

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEREK SLOANE,

Plaintiff,

-against-

POLICE OFFICER STEPHEN B.  
DOUGHERTY, SHIELD NO. 267, ET AL.,

Defendants.

19-CV-6844 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff filed this action *pro se*. On July 24, 2019, the Court denied Plaintiff's request to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) and dismissed the complaint without prejudice. On September 12, 2019, the Court received Plaintiff's notice of appeal and a motion for an extension of time to file the notice of appeal. For the following reasons, Plaintiff's request for an extension of time to file a notice of appeal is granted.

**DISCUSSION**

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within thirty days after entry of judgment. The district court may extend the time to file a notice of appeal, however, if a plaintiff files a motion within thirty days of the expiration of the time to file notice of appeal, and if the moving party shows excusable neglect or good cause for untimely filing. *See* Fed. R. App. P. 4(a)(5)(A).

Here, the Court entered judgment on July 24, 2019. Plaintiff dates his motion for extension of time to appeal on August 30, 2019, and under the prison mailbox rule, the submissions are deemed filed on that date. Plaintiff states that he did not file the Notice of Appeal within the required 30-day period because the Superintendent "locked [him] up for no

reason.” (ECF No. 6.) Accordingly, for good cause shown, the Court grants Plaintiff’s motion for an extension of time to appeal.

### CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court grants Plaintiff’s motion for an extension of time to file a notice of appeal. (ECF No. 6.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 12, 2019  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge